

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN JOAN ANDERSEN**, on January 29, 2003 at 3:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Joan Andersen, Chairman (R)
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)
Rep. Carol Gibson (D)
Rep. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Bob Lawson (R)
Rep. Joe McKenney (R)
Rep. Clarice Schrumpf (R)

Members Excused: Rep. Larry Lehman, Vice Chairman (R)
Rep. Norman Ballantyne (D)
Rep. Norma Bixby (D)
Rep. Gary Branae (D)
Rep. Nancy Fritz (D)

Members Absent: Rep. Pat Wagman (R)

Staff Present: Eddy McClure, Legislative Branch
Mari Prewett, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp in these minutes appears at the end of the content it refers to.

Committee Business Summary:

Hearing & Date Posted: HB 400, 1/22/2003
Executive Action: None

HEARING ON HB 400**Sponsor:** REP. KIM GILLAN, HD 11, BILLINGS**Opening Statement by Sponsor:**

REP. GILLAN stated that current statute outlines provisions whereby trustees can call for special meetings. She explained that HB 400 would add provisions that outline conditions for cancelling meetings by the school boards. REP. GILLAN explained to the committee her reasons for proposing this bill. She stated she felt that there should be parallel provisions in statute for how to call meetings and how to cancel meetings. REP. GILLAN advised the committee that she was a firm believer in local control and also in support of enabling the public to be involved in the making of these decisions. REP. GILLAN further indicated that she felt this was a policy issue that the education community would want to discuss. She then stated the statute was needed and HB 400 is a remedy of the need to have public involvement in the public schools. REP. GILLAN stated she was bringing HB 400 so it could be discussed. The reason being there is a need to make changes to existing statute to insure that the public has an opportunity to listen and hear what is going on with school boards.

Proponents' Testimony: None**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

REP. JACKSON asked REP. GILLAN how many trustees there were on each school board. REP. GILLAN replied that she did not believe that there was a provision in the statutes as to how many trustees were required. REP. GILLAN suggested that Ms. McClure of Legislative Services check the statutes to make sure.

REP. JACKSON asked REP. GILLAN what she meant by the wording on line 25 of the bill, "be cancelled by the two members who called the meeting." REP. GILLAN answered that the thought was that rather than give exclusive authority to the two members that had called the meeting to then cancel the meeting, the decision was made that the two members that called the meeting and the presiding officer would be required to cancel the school board meeting.

REP. JACKSON asked **REP. GILLAN** how the meeting would be cancelled four hours prior to the meeting. **REP. GILLAN** responded that since most of the times in question were for unusual circumstances they felt that since they were community based four hours would probably allow adequate time for notification.

CHAIRMAN ANDERSEN asked Eddy McClure if she had found in statute the number of trustees required for school boards. **Ms. McClure** responded that the number of trustees varies; elementary school districts have seven trustees positions for first class, five trustees for second class, three trustees for third class. **Ms. McClure** also stated that there were provisions for adding trustees based on taxable value, nonvoting members and trustees for the high school districts. She further stated that the number of trustees would vary by size of district, and whether or not they could add additional members.

REP. WAGMAN asked **REP. GILLAN** if she would object to an amendment that if a meeting was cancelled, the cancellation would be posted on the door of the meeting facility so the public could be notified that the meeting had been cancelled. **REP. GILLAN** answered that the notification included in the bill was for notification of the trustees and not intended that all of the public would need to be notified.

REP. GIBSON commented she felt what HB 400 was trying to do was avoid situations where meetings are cancelled at the very last minute to diffuse situations that could get out of hand.

REP. BALLANTYNE arrived at the hearing.

CHAIRMAN ANDERSEN asked **REP. GILLAN** if she would like to comment. **REP. GILLAN** stated that some provisions on how to cancel a meeting should be added to the bill. She further commented that then everyone would know there was a process whereby meetings would be canceled and would provide predictability.

REP. LAKE asked **REP. GILLAN** if the bill only referred to special meetings. **REP. GILLAN** answered that in fact it did that. It provided the mechanics to get out of a meeting.

REP. LAKE asked **REP. GILLAN** if the bill affected regularly scheduled meetings. **REP. GILLAN** answered that HB 400 did not affect the regularly scheduled meetings.

CHAIRMAN ANDERSEN asked **REP. GILLAN** how the bill could be fixed to cover all school districts, especially the smaller three-member school boards. **REP. GILLAN** replied that she had thought that the minimum number on all school boards was five trustees

when it was decided to use two persons plus the presiding officer. She further stated that possibly for the smaller boards, the determination could be made by one person plus the presiding officer. **REP. GILLAN** then stated that she would be more than willing to work on an amendment to provide for the three-member school boards.

CHAIRMAN ANDERSEN asked REP. GILLAN how she would address contacting all of the school board members to cancel meetings since in her district many of the members are farmers and ranchers who are not easily accessible. **REP. GILLAN** responded that she did not have an answer to the question but continued that she felt that all school board members did need to be notified.

CHAIRMAN ANDERSEN asked REP. GILLAN how, in a small community, the people of the school district would be notified that the school board meeting had been cancelled. **REP. GILLAN** replied that she felt it would be too great a burden to set the condition as to how to notify the public. She further stated that no matter what was done there would still be some people who would not know. She then responded that the trustees would be notified and chances were that the trustees would through their circles to notify others of the cancellation.

CHAIRMAN ANDERSEN asked REP. GILLAN if she felt it best not to address the question of the public being notified. She further asked if it would be a problem with the public that there was a provision for the school board members but not for the public. **REP. GILLAN** replied that when she looked at the bill she thought that it would be best to work in a series of baby steps. She further stated that the practicality of the matter was that in rural areas the burden of notifying the public would be extreme. She then explained that this was a first step, i.e., placing the burden that all of the trustees must be notified of meeting cancellations within four hours. **REP. GILLAN** continued by saying she felt that to have this in statute would possibly reduce the number of special meetings that are cancelled immediately.

CHAIRMAN ANDERSEN then asked REP. GILLAN if school boards currently had the ability to set this kind of rule for their actions. **REP. GILLAN** stated that as she understood it, some of it was in policy; however, it was not the letter of the law, just policy. Therefore, there was concern that school boards were not following their own policies. She continued that since there was already statutory language on how to call a special meeting,

she felt a parallel statute on how to cancel a special meeting would be appropriate.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 26.9}

REP. WAGMAN asked **REP. GILLAN** if she would consider the following for possible new language: "The trustees of a district shall adopt a written school board policy that would state the requirements for canceling any regular or special trustee meeting." **REP. GILLAN** stated she like the idea.

REP. GALVIN-HALCRO stated to **REP. GILLAN** that she suggested that the following language be added to the end of **REP. WAGMAN'S** proposed new language: "and post the cancellation of the meeting at the meeting house door." She added that then anyone who did show up for the meeting would see that the meeting had been cancelled. **REP. GILLAN** responded she felt that would be an excellent way to embellish **REP. WAGMAN'S** original suggestion because it would help with the issue of how they notified the public.

CHAIRMAN ANDERSEN asked **REP. GILLAN** if it was okay with her if they asked Eddye McClure if she would be willing to take the ideas and draft them into an amendment. **REP. GILLAN** stated that she had no objection. **REP. GILLAN** commented that she did not know how much State statute directed what school board policies needed to be. She continued that she would like to know the relationship between the State statutes and the operation of school boards.

Eddye McClure, Legislative Services responded to **REP. GILLAN'S** inquiry by stating that if school districts were required to adopt such a policy or rule, it could be outlined what types of things that needed to be done. **Ms. McClure** gave some examples. She continued that parameters could be set and that is what the school boards would have to adopt as their policy.

REP. GILLAN stated she felt it would be great. However, she was not sure how prescriptive they would want to be. She stated that she would be willing to go along with the committee's recommendations and would give the committee the choice as to how prescriptive they would like the bill to be.

CHAIRMAN ANDERSEN stated that the committee might check with Lance Melton for his opinion. She further stated that if they gave the local school boards some latitude in making the policy, they are maintaining local control to some extent.

Closing by Sponsor:

REP. GILLAN stated what she was trying to do was take a series of baby steps as she understood that every problem could not be solved.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 7}

ADJOURNMENT

Adjournment: 3:47 P.M.

REP. JOAN ANDERSEN, Chairman

MARI PREWETT, Secretary

JA/MP

EXHIBIT (edh19aad)